
The Washington City Council met in a regular session on Monday, April 10, 2006 at the Municipal Building at 4:30 p.m. Present were: Judy Jennette, Mayor; Darwin Woolard, Mayor Pro tem; Richard Brooks, Archie Jennings, Councilman; Mickey Gahagan, Councilman; James Smith, City Manager; Fred Holscher, City Attorney; and Rita A. Thompson, City Clerk. Councilman Gibson was absent.

Also present were: Carol Williams, Finance Director; Jimmy Davis, Fire Chief; Bobby Roberson, Community Development Planning Director; Allen Lewis, Public Works Director; Susan Hodges, Human Resources Director; Steve Tanner, DWOV Director; and Mike Voss, of the Washington Daily News.

Mayor Jennette called the meeting to order and Mayor Pro tem Woolard delivered the invocation.

APPROVAL/AMENDMENTS TO AGENDA

Mayor Jennette asked to pull item I.G. Adopt Ordinance amendment on restrictions upon feeding of animals and birds in specific areas under the Consent Agenda and move to VI.B.3. Also, item I.J. Adopt Budget ordinance amendment for Airport Grants (\$365,629) be moved to VI.A.5

Jim Smith, City Manager, asked that the Council not take action on the Resolution assigning the Cable Television Franchise to Cebridge until after the action is taken on the Settlement Agreement with Cox.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously approved the agenda, as amended.

APPROVAL OF MINUTES

In the minutes of the meeting of March 20, 2006, Councilman Jennings wanted to include his comments, "Councilman Jennings stated that the City does not have the money to give away, that we need to be repaid" as the last sentence under the first paragraph on page 3.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously approved the minutes of February 22, March 13, 2006 as submitted and the minutes of March 20, 2006, as amended.

PRESENTATION OF PLAQUE

Mayor Jennette presented a plaque to Councilman Gahagan for serving as the Mayor from March 2005 to December 2005.

APPROVAL OF CONSENT AGENDA

Councilman Brooks asked that item I.L. Adopt Ordinance amendment for Chapter 6 and Chapter 18 be removed for discussion under VI.A.6.

On motion of Councilman Jennings, seconded by Councilman Brooks,, Council unanimously approved the Consent Agenda, as follows:

- A. Adopt – Resolution directing City Clerk to investigate a non-contiguous Satellite annexation under GS 160A-58.1 Pecheles Toyota & Ford

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160 A-58.1

WHEREAS, a petition requesting annexation of an area described in said petition was received on February 15, 2006 by the Washington City Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Washington deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Washington that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

Annexation #06-A-01
Pecheles Ford

- B. Accept – Library Planning Grant **and** Adopt Budget Ordinance Amendment (\$15,000)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the General Fund be increased in the amount \$15,000 in the account Library Grant-Planning, account number 10-40-3611-3306.

Section2. That account number 10-40-6110-0401, Professional Grant Services, Library portion of the General Fund appropriations budget be increased in the amount of \$15,000 to provide funds for feasibility planning grant.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of April, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

- C. Adopt – Resolution Establishing Economic Development/Redevelopment Capital Reserve Fund

**CITY OF WASHINGTON
RESOLUTION FOR ESTABLISHMENT AND MAINTENANCE OF AN
ECONOMIC DEVELOPMENT/REDEVELOPMENT CAPITAL RESERVE
FUND**

WHEREAS, there is a need in the City of Washington to do economic development and/or redevelopment; and

WHEREAS, the City of Washington intends to pursue economic development and/or redevelopment in order to provide employment opportunities for citizens of the City or County.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

Section 1. The City Council hereby creates a Capital Reserve Fund for the purpose of economic development and/or redevelopment.

Section 2. This fund will remain operational for a period not to exceed 10 years.

Section 3. The City Council will appropriate or transfer amounts that it deems appropriate into this fund annually.

Section 4. Any special revenues received by the City generated from monies spent on economic development and redevelopment will be transferred into this fund for future use on projects.

Section 5. This resolution shall become effective upon its adoption.

Adopted this the 10th day of April, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

- D. Adopt – Budget Ordinance Amendment for Electric Fund \$100,000

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the Electric Fund be increased in the amount \$100,000 in the account Transfer from Capital Reserve Fund, account number 35-90-3980-2100.

Section 2. That account number 35-90-6610-5701, Payments to Economic Development Waterfront, Miscellaneous Non-Departmental portion of the Electric Fund appropriations budget be increased in the amount of \$100,000 to provide funds for redevelopment.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of April, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

- E. Information Only – Contracts for Water and Wastewater Chemicals for FY 06-07
- F. Adopt – Budget Ordinance Amendment for Recreation Events and Facilities (\$2,000)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the General Fund be increased in the amount \$2,000 in the account Contributions Recreation, account number 10-40-3612-8402.

Section 2. That account number 10-40-6121-3402, Summer Programs, Events & Facilities portion of the General Fund appropriations budget be increased in the amount of \$2,000 to provide funds for summer basketball camp.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of April, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

- G. **MOVED TO VI.B. 3. Adopt** – Ordinance Amendment on Restrictions upon feeding of animals and birds in specific areas
- H. Award – Contract to WESCO, Inc (\$299,496) for AMR Electric Meters

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- I. Adopt – Resolutions Establishing Water Capital Reserve Fund and Sewer Capital Reserve Fund

**CITY OF WASHINGTON
RESOLUTION FOR ESTABLISHMENT AND MAINTENANCE OF A WATER
CAPITAL RESERVE FUND**

WHEREAS, there is a need in the City of Washington to do water system improvements; and

WHEREAS, the City of Washington has implemented impact fees to provide for future improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

Section 1. The City Council hereby creates a Water Capital Reserve Fund for the purpose of system improvements.

Section 2. This fund will remain operational for a period not to exceed 10 years.

Section 3. All revenue generated from water impact fees will be placed in this fund.

Section 4. The City Council may appropriate or transfer funds each year as necessary to support system improvements or service new debt related to system improvements.

Section 5. This resolution shall become effective upon its adoption.

Adopted this the 10th day of April, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

**CITY OF WASHINGTON
RESOLUTION FOR ESTABLISHMENT AND MAINTENANCE OF A SEWER
CAPITAL RESERVE FUND**

WHEREAS, there is a need in the City of Washington to do sewer system improvements; and

WHEREAS, the City of Washington has implemented impact fees to provide for future improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

Section 1. The City Council hereby creates a Sewer Capital Reserve Fund for the purpose of system improvements.

Section 2. This fund will remain operational for a period not to exceed 10 years.

Section 3. All revenue generated from sewer impact fees will be placed in this fund.

Section 4. The City Council may appropriate or transfer funds each year as necessary to support system improvements or service new debt related to system improvements.

Section 5. This resolution shall become effective upon its adoption.

Adopted this the 10th day of April, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

- J. **MOVED TO VI. A. 5. Adopt** – Budget Ordinance Amendment for Airport Grants (\$365,629)
- K. **Adopt** – Budget Ordinance Amendment for Economic Development Department (\$22,500)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the General Fund be increased in the amount \$22,500 in the account Earned Interest, account number 10-00-3831-0000.

Section2. That account number 10-00-4650-4509, Shell Building #2, Economic Development portion of the General Fund appropriations budget be increased in the amount of \$22,500 to provide funds for design of building.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of April, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

- L. **MOVED TO VI.A.6. Adopt** – Ordinance Amendment Chapter 6, Article II, Section 6-35 (b) and Chapter 19, Article V, Section 18-157 (b) of the City Code

**MR. BILL PARAMORE, COX COMMUNICATION - REQUEST TO
ADOPT RESOLUTION ASSIGNING THE CABLE TELEVISION
FRANCHISE FROM COX COMMUNICATION, INC. TO
CEBRIDGE ACQUISITION CO. LLC**

Mr. Smith asked that action not be taken on this item after presented.

Mr. Bill Paramore, representing Cox Communications for Sammy Roberson, stated that Cox Communications placed a number of its systems up for sale in December, 2004, properties including North Carolina, California, Texas, Oklahoma, middle America, including 940,000 customers. He stated there were a number of applicants and in 2005 Cebridge Acquisition Co., LLC was the winning bidder of the properties. The sale is expected to be completed around May 1, 2006. Cebridge Acquisition LLC is required to file notification to each of the franchises outlining the three areas that are required for franchise ownership. Those were filed with the City of Washington on December 13th detailing how we met the requirements. Cebridge has satisfied all those requirements and is now asking Council to approve the transfer.

Councilman Jennings asked if there are other franchises in the area that Cebridge has acquired? M. Paramore stated that Pitt County was approved today and the City of Greenville will discuss it tonight. There were about 40 and there are only three or four franchises left to be approved.

Councilman Gahagan asked if there are any anticipated changes? Mr. Paramore stated they do not anticipate any changes. As a result of the consolidation, three positions have been moved out of the 250 employees in North Carolina. Eventually email addresses will change, probably in three to six months. Technical support will continue as usual with high speed internet.

Mr. Paramore stated that the Cebridge name will change, but a new name has not been decided as yet.

Action will be taken later in the meeting.

AUTHORIZE – MAYOR TO SIGN A SETTLEMENT AGREEMENT WITH COX COMMUNICATIONS FOR THE CITY TO RECEIVE \$12,469.89 IN FRANCHISE REVENUE

Mr. Smith stated that an audit was performed by the Howell Group on the past five years of cable television franchise tax revenues paid by Cox to the City of Washington. During this period there was an underpayment of \$12,469.89. This agreement will close this audit out and allow the City of Washington to accept this payment.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously authorized the Mayor to sign a Settlement Agreement with Cox Communications for the City to receive \$12,469.89 in franchise revenue.

SETTLEMENT AGREEMENT

This Settlement Agreement is made this 6TH day of April, 2006, by and between the City of Washington, North Carolina (“City”), and CoxCom, Inc., a Delaware corporation (“Cox”).

WHEREAS, pursuant to the Washington City, NC Cable Television Franchise (Franchise), dated July 12, 1993; and

WHEREAS, there are outstanding issues relating to the Franchise; and

WHEREAS, the City and Cox wish to resolve these issues in a mutually beneficial manner;

NOW, THEREFORE, in consideration of the promises and undertakings herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, **THE PARTIES DO HEREBY AGREE AS FOLLOWS:**

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1. Cox will pay the City the amount of Twelve Thousand, Four Hundred and Sixty-Nine Dollars and Eighty-Nine Cents(\$12,469.89). Such payment will be made by Cox solely to resolve the outstanding issues under the Franchise and not as an admission of any liability or wrongdoing on the part of Cox. Such payment shall not be deducted from any franchise fee payments owing to the City or be passed through to subscribers or itemized on a subscriber's bill.
 2. The City hereby releases all known and unknown liabilities, claims, and causes of action which were or could have been asserted against Cox or its officers, directors, employees, agents, parents, subsidiaries and affiliated companies, with regard to events or occurrences related to the franchise fee audit conducted on behalf of the City covering periods up to and including this 6th day of 2006. This release includes, without limitation, all claims relating to any pending audits of franchise fee payments pursuant to the Franchise or pending Franchise Agreement.
 3. This Agreement shall bind and benefit the parties hereto and their respective heirs, beneficiaries, administrators, executors, receivers, trustees, successors and assigns.
 4. This Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Agreement.
 5. This Agreement shall be governed in all respects by the law of the State of North Carolina.

**THE PARTIES HAVE EXECUTED THIS AGREEMENT AS OF THE DATE
FIRST MENTIONED ABOVE.**

CITY OF WASHINGTON, NORTH CAROLINA

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

COXCOM, INC. d/b/a/ Cox Communications North Carolina

s/Philip C. Ahshlager
PHILIP C. AHSHLAGER
VICE PRESIDENT & GM

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously adopted a Resolution assigning the Cable Television Franchise from Cox Communications, Inc. to Cebridge Acquisition Co. LLC.

RESOLUTION

RESOLUTION OF THE CITY OF WASHINGTON APPROVING THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE

WHEREAS, CoxCom, Inc. (“Franchisee”) owns, operates, and maintains a cable television system (“System”) serving the **City of Washington, NC** pursuant to a franchise agreement (the “Franchise”) issued by the **City of Washington, NC** (the “Franchise Authority”), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee and other entities controlled by Cox Communications, Inc. have entered into an Asset Purchase Agreement dated October 31, 2005 (the “Agreement”) with Cebridge Acquisition Co. LLC in which, among other things, the Franchisee proposes to sell and assign to Cebridge Acquisition Co. LLC certain of the assets, including the Franchise, used by Franchisee in the operation of the System (the “Transaction”); and

WHEREAS, Cebridge Acquisition Co. LLC will assign, among other things, its right to acquire the Franchise and System under the Agreement to Cebridge Acquisition, L.P. d/b/a Cebridge Connections (“Cebridge”) prior to the closing of the Transaction; and

WHEREAS, Franchisee and Cebridge have requested the consent of the Franchise Authority for the assignment of the Franchise in accordance with the requirements of the Franchise and applicable law and have filed with the Franchise Authority a franchise assignment application on FCC Form 394 that includes relevant information concerning the Transaction and the legal, technical and financial qualifications of Cebridge (collectively, the “Application”); and

WHEREAS, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of Cebridge, followed all required procedures to consider and act upon the Application, and considered the comments of all interested parties; and

WHEREAS, the Franchise Authority believes it is in the interest of the community to approve the Application and the assignment of the Franchise and the System to Cebridge, as described in the Application.

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby approves the Application and consents to the assignment of the Franchise and System to Cebridge, all in accordance with the terms of the Franchise and applicable law.

SECTION 2. The Franchise Authority confirms that (a) the Franchise was properly granted or assigned to Franchisee and is in full force and effect, (b) the Franchisee is in material compliance with the provisions of the Franchise, and (c) there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights of Franchisee thereunder.

SECTION 3. The Franchise Authority hereby consents to and approves (a) the pledge or grant of a security interest to any lender(s) in Cebridge’s assets, including, but not limited to, the Franchise, or of interests in Cebridge, for purposes of securing any indebtedness; and (b) the assignment or transfer of Cebridge’s assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Cebridge.

SECTION 4. The Franchise Authority's approval of the Application and its consent to the assignment of the Franchise to Cebridge shall be effective immediately, and Cebridge shall notify the Franchise Authority upon the closing of the Transaction (the "Closing Date").

SECTION 5. The Franchise Authority releases Franchisee, effective upon the Closing Date, from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; and Cebridge shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

SECTION 6. This Resolution shall have the force of a continuing agreement with Franchisee and Cebridge, and the Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee and Cebridge.

PASSED, ADOPTED AND APPROVED this 10TH day of April, 2006.

City of Washington, NC
s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson

RITA A. THOMPSON, CMC

CITY CLERK

I, the undersigned, being the duly appointed, qualified and acting Clerk of the **City of Washington, NC**, hereby certify that the foregoing Resolution is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the **City of Washington, NC** on the 10TH day of April, 2006.

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

MR. PHIL HARRIS – REPORT ON THE UNITED WAY CAMPAIGN

Mr. Phil Harris stated it is great to appear before Council on a positive note. The purpose of his appearance is to recognize the outstanding campaign for United Way the City employees had this year. The campaign noted \$10,420 this year. He passed out a photograph of those who headed up the campaign. He stated that Susan Hodges did a great job and appreciates what the City employees, including Philip Mobley on the Board of Directors, do for them.

Mr. Mobley stated that last year we had a little hiccup and collections went down significantly because of a change in our policy. This year the City employees bounced back and bounded back strong.

Mr. Harris also thanked the City Council for coming to their aid two years ago when collections were down and helped them out with extra money.

Mr. Harris stated that a record was set this year and they will probably reach \$280,000 for Beaufort County and he is amazed because of the weather problems in Mississippi and Louisiana.

Councilman Jennings thanked Mr. Harris on what he does for United Way and bringing a lot of energy to a worthy cause.

**MR. CHRIS FURLOUGH – TO ADDRESS COUNCIL REGARDING SOMERSET
SUBDIVISION**

Mr. Chris Furlough appeared before Council to give an update on what is going on regarding the Somerset Subdivision. First, there was an understanding that Thomas Place would not be used as a vehicular thoroughfare, and they respect that and desire that too. He stated that during the development process, however, there may be times that egress and ingress is needed out of Thomas Place on a small scale. There are going to be some construction connections into Thomas Place i.e. water, sewer and natural gas. This will also speed up the natural gas project in Smallwood. He stated there would be times when the rotten fence that has been there for 20 years would need to come down. He suggested that maybe the City could use temporary barricades that are movable. If the barricades are attractive enough for the historic district, they should be attractive enough to serve as a temporary purpose there.

Mr. Furlough stated that the second item is concerning the burning permit. He stated that 99.9% of the material has been burned, but they have some small incidental material that will need to be burned. (This item is listed under Old Business and will be taken care of later).

Also, Mr. Furlough stated he wanted to give Council a time line of Somerset and talk to them about it coming on board as a transitional neighborhood. Somerset was approved on June 8, 2005 when the existing development by the City of Washington, as he understood it, was some sort of financial participation by the City (previous Councils, Mayors, and Managers). On August 9th he stated he wrote a letter asking what would be the appropriate financial participation by the City under its existing policy. Partly because of his fault, he drug along because he was under the assumption he was under that policy. Then, he got the impression at one City staff meeting that it could be possible, and then he got the feeling that the City was running low on funds that would help subsidize that effort and couldn't help at the time. Then there was the election of the new Council and the hiring of Mr. Smith. He stated that what we have here is a transitional problem. As we move through this process, there was a fifteen lot subdivision that had \$65,000 infrastructure assistance. That, prorated for Somerset with 210 units, would total over \$900,000 in assistance. Then, a no interest loan was offered in one situation for a fifteen lot subdivision and another low interest loan offered for another fifteen lot subdivision. If you prorated that for \$210 units, it would be an average loan amount of around \$700,000. He certainly understands, particularly at the end of the last administration, why someone would be reluctant to make calls, but that is not why we're here. He stated he would have been honored to have been the first major development inside the City limits not to have City financial assistance. He stated he is not trying to be a hero here, or a mortar, all he has asked for is consistency and fairness, but to hear "yes" and then hear "no, I don't think we will be able to do this" and then hear "yes" after that, sorter sends out a signal to him that, what is our ultimate goal with respect to the growth with residential development in our community and what is our future? He stated he understands the City's dilemma in residential development, when you take the City services, it takes about \$350,000 of a residential tax value for a residential unit to carry its own weight in the City of Washington. Probably very few cities carry their own weight residentially. There are probably about 4500 residential units in the City of Washington, and it is his understanding that the average tax base is about \$60,000 per unit. That is certainly a significant spread from the \$350,000. There are all kinds of residential development. . . the low income development which are desperately needed, but there are also upper end developments. There hasn't been as many in the past years and you have to ask yourself why. There is also the middle income developments. . . what are we doing as a community to promote all types of development so we can end up closing the gap on our residential tax value per unit to get closer to the \$350,000 per unit. We probably would never get there but what could help us close the gap? He has owned the property for a number of years and he has waited and waited for hopefully the right time to do something with it in the right market. Five years ago, he wouldn't have attempted to develop something like Somerset where all income and all age group levels are there,

however, the target market is active adults who want first floor, yard maintenance and to make life simpler and downsize. He would like for Council to understand the importance of residential development in our community. Not just one end of the spectrum or the other end of the spectrum, but embrace all types of residential development in our community and come up with a plan of growth that accurately addresses all these type of developments. He would like for Council to understand that Somerset is a transitional development and he understands Council is confronted with past policies and what to do with respect in honoring those. Also, Council is having to address the City's financial situation, but he feels like they can find ways to work together on this as we move forward.

Mr. Furlough stated he is not making a request today, because there is a moratorium in place and he respects the moratorium and at some point as we move through this process, he is assuming that won't be a perpetual situation. If we can continue our dialog, hopefully, we can find something that will be fair, not only to the community, but to the City of Washington as well.

In conclusion, he stated that Somerset is a 210 unit combination of planned unit development with town homes and patio homes. It is designed after a traditionally designed neighborhood method with alleys so the garages are entered from the rear that allows the front streetscapes to have sidewalks, decorative street lighting, cute front porches, and live closer to the streets so it encourages pedestrian interaction throughout their community. It also encompasses walking trails and a community center. That's another advantage of a residential neighborhood development such as Somerset. They are going to be spending in excess of \$100,000 just in the first twelve months of marketing, and if you look at the brochure, you will see that Washington, our historic district, our access to Greenville for a wonderful medical facility, our wonderful medical facilities here in Washington, all the natural resources we have in our community, is what is talked about in their brochure. This is not a regional City wide marketing effort, not for those kinds of dollars, this is a regional and nationwide marketing effort. Their goal is to bring in folks from everywhere to be a contribution to our community. He asked Council to look at the brochure and their website and you will see the types of plans they have. As we move forward, he looks forward to working with the City of Washington and City staff as they move through with this project.

Councilman Gahagan asked Mr. Furlough when he will start? Mr. Furlough stated they are doing infrastructure now and will be starting the units in sixty days. Their goal is to have a six year build out.

Mayor Jennette agreed that whatever they do in terms of development, they need to be fair. Council will meet on April 27th to get their vision straight. She thanked Mr. Furlough for coming.

Councilman Jennings stated that he has talked to Chris privately about this and he thinks we have a lot of issues here, one is fairness and the other is, when we passed this moratorium, we said that at the next meeting we would take up a new policy. We have had two meetings since then and we are overdue on a sound policy. The motion stated that "we would impose a moratorium until a full review of our policy is completed. In his opinion, we didn't have one to begin with. He is okay with consulting with Harriet Tregoning on this, but he thinks if we leave the April 27th meeting without a clear policy, we have failed.

**MR. DON HARTE – APPROVE A PRE-DEVELOPMENT GRANT UNDER THE
N.C. RURAL ECONOMIC DEVELOPMENT CENTER IN THE AMOUNT OF
\$25,000 UNDER THE CATEGORY OF "BUILDING REUSE AND
RESTORATION" FOR VACANT STRUCTURES**

Bobby Roberson, Planning Director, stated that Mr. Don Harte's wife had eye surgery and would not be able to attend this meeting. He stated that Oakview Capital has purchased the old Jowdy building and they want to do a mixed use project on the first floor. The first floor would always have to remain commercial if you do a mixed use

project and the second, third and fourth floors can be set aside for residential underneath our current code. Mr. Harte wants to apply for a predevelopment grant in the amount of \$25,000 which is the maximum amount under the N. C. Rural Center's program. In addition to that, there is \$1,000 match and Mr. Harte has agreed to put that up, as other applicants have.

Mayor Jennette asked Mr. Roberson if he felt comfortable with the application? Mr. Roberson answered yes, that the East Group from Greenville is doing the structural design. This will definitely set Mr. Harte up for the additional \$400,000 application process next year.

Mr. Roberson stated a feasibility study will be done based on a proposal. If the Rural Center buys into it, then he would come forward in 2007 and ask for probably the maximum amount of \$400,000.

Mr. Smith stated that it is a building that needs a reuse.

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously authorized the Mayor to sign the pre-development grant in the amount of \$25,000, provided the developers furnish the City of Washington a check in the amount of \$1,000 for the City's cash match, to be submitted to the N. C. Rural Economic Development Center.

MR. JASON BRILEY – REGARDING NORTHGATE (DONOVAN CIRCLE)

Mr. Jason Briley, developer for Northgate Subdivision, stated that when construction was started on Northgate, there was one cul-de-sac, Donavan Circle, which did not get paved. He stated that he realizes the City Council has a moratorium on assisting developers that he just wanted to bring it to the table. The estimate he has on Donavan Circle is \$24,500. This is in the main entrance of the subdivision as you come in. Fifteen houses have been constructed in the subdivision. This cul-de-sac is in the City's annexation too.

Councilman Gahagan asked if this cul-de-sac was under the same provisions as all the other lots for people displaced by Hurricane Floyd? Mr. Briley answered no.

Councilman Jennings stated you can sell lots, either/or, it just don't count towards the grant if it's not a flood victim. Mr. Roberson stated that this subdivision has some financial difficulties at the end because the money was cut off and that reinstated. The City agreed to not issue any building permits until all the improvements were in on Donovan Circle, so that is the status on Donovan Circle. The reason the cost overruns happened in Northgate was because of the poor soil conditions and change orders were made. The sidewalks had to be eliminated in order to get the streets in to meet the \$1.6 million dollar project. Sidewalks will be put in in 2007. Mr. Briley commented that the water, sewer and electric are already there.

Councilman Gahagan stated that the way our ordinance reads now is 40% participation by the City.

Mayor Jennette stated that we do have a moratorium right now.

ECONOMIC DEVELOPMENT COMMISSION

Councilman Gahagan stated he was traveling when the Economic Development Commission had their meeting this month, but he knows they are moving on the Quick Start Two Building and it is on the agenda tonight.

TOURISM DEVELOPMENT AUTHORITY

Mayor Jennette stated that she was not able to attend the last meeting, but they have had a lot of discussion on next year's budget. A meeting has been scheduled for April 11th.

HUMAN RELATIONS COUNCIL

Mayor Jennette stated they had a luncheon to evaluate the ministerial exchange. The ministers that came had a lot of good ideas and they are going to try to create other events to bring the two entities together.

DOWNTOWN WASHINGTON ON THE WATERFRONT

Steve Tanner, DWOW Director, gave a report on some events coming up:

- Second annual clean-up day
- Saturday Market – May 20th (Farmer's Market, Food Court, Artisan's Market)
- "Picking on the Pamlico" (Crabs on the Move)
- Flotilla
- Pamlico Boat Show (April 26 thru 29th, 2007)

**ADOPT – RESOLUTION LIGHTING IN ALLEYWAYS- DOWNTOWN
ELECTRICAL IMPROVEMENTS**

Keith Hardt, Electric Director, stated that this is the first phase of a project to install street decorative lighting along Main Street. The amount of \$50,000 was allocated to start the project. The first phase (about a half a block) labor costs came in well in excess of those funds. The Turnage Theater Foundation wants to revamp the alleyway on the east side of the Turnage. He stated there has been a request from that group to install some lighting in that alleyway, so this is redirecting those funds to put the lighting in the alleyway. Mr. Hardt stated the initiation appropriation was \$50,000 in this year's budget and \$50,000 encumbered from last year's budget.

Councilman Jennings asked what can we do with \$100,000? Mr. Hardt stated that if it can be put into electric infrastructure in that alleyway, it's not considered a transfer. It will up to the Council if they want to transfer it into the General Fund to do other improvements. Councilman Jennings stated that we are not saying we will spend \$100,000 in that alleyway. Mr. Hardt answered no. Mayor Jennette stated she would like for us to use it for all the alleyways. Mr. Hardt stated this one cover one alleyway.

Councilman Jennings asked Mr. Hardt to explain exactly what we are doing. Mr. Hardt stated that this is acknowledges that we are going to be using that money in the alleyway, not Main Street. Mayor Jennette stated she is the one who suggested we use this money for the alleyways since we did not have enough for the infrastructure on Main Street. No contracts would be issued until the Council approves them. It will basically be decorative lighting and putting infrastructure in the alleyway to serve that lighting. Funds the Turnage Theater received for aesthetics improvements spurred this on.

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously adopted a Resolution redirecting current budgeted funds within the electric fund to improve electrical infrastructure in the alley-way in the vicinity of the Turnage Theater.

RESOLUTION REGARDING DOWNTOWN ALLEYWAY LIGHTNING

WHEREAS, the Washington City Council in the FY 05-06 Municipal Budget, appropriated the sum of \$50,000 in account number 35-90-8390-5607 Materials – Special

Projects for the purpose of Downtown Street Lights Second Phase, which appropriation was intended to be used to convert existing overhead wiring in the downtown area to underground wiring; and

WHEREAS, bids were solicited and received for performing the said construction which were greatly in excess of the available appropriation; and

WHEREAS, after due consideration and consultation, it has been determined that it is not cost effective to reduce the scope of the anticipated project to fit within the available funds; and

WHEREAS, in order to accommodate the public safety and convenience it is necessary to provide improved lighting within certain alleyways in the downtown area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Washington that the funds presently appropriated in account 35-90-8390-5607 be reallocated for the purpose of providing improved lighting in alleyways within the downtown area.

This Resolution shall take effect upon passage.

This, the 10th day of April, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

UPDATE – ON SKATE PARK

Kristi Hardison, with the Parks & Recreation Department, gave an update on the proposed Skate Park. In FY 04, the City allocated \$10,000 and in FY 05, \$75,000 (because of pulling out of PARTF grant). The committee has raised \$75,000 through fund raisers. She passed out a footprint design from the contractor. Contract prices ranged from \$200,000 to \$275,000. The committee is seeking grant sources to complete the funding. Wally Holiday, of California Skate Park, will provide the City with design and construction documents. Other work will be bid out locally. The new web page was completely funded by TDA. A charge for operations has not been decided yet. Typically, it takes about three months to complete a concrete park.

Council took a break at 5:55 p.m. and reconvened at 6:05 p.m.

ADOPT – ORDINANCE TO AMEND CHAPTER 27, ZONING, ARTICLE VI SECTION 27-43 TO INCLUDE LAUNDROMATS, AS A SPECIAL USE IN THE OFFICE AND INSTITUTIONAL DISTRICT

Mrs. Dot Moate, a member of the Planning Board, stated that Mr. James Beatty, a local resident and business owner came before the Planning Board and made a request to amend the Office and Institutional Zoning District to allow for Laundromats as a Special Use Permit within this district. After careful consideration and a review of both the permitted uses and special uses within the O & I classification, the Planning Board recommended the proposed change to City council for your consideration. The vote was unanimous on the recommendation and no one came forward during the public hearing to speak against the request.

Mayor Jennette opened the public hearing.

Mr. James Beatty, 40 Beatty Lane, requested the rezoning in order to put to use some of his property in that area to help benefit the community and help pay some of the taxes on the property.

Mr. Proctor Kidwell, representing Coastal Rivers Realty, presented a copy of a letter from Barry and Janet Silletoe. Fred Holscher, City Attorney, reminded the Council that we are not talking about putting a Laundromat in one particular place. You are discussing a Laundromat being a special use in any O&I District in the City. Mr. Kidwell stated that he doesn't have anything to say now.

Mr. Smith stated that issues such as traffic, noise, operation hours, ingress, and egress regulations can be put on any Laundromat that would be located anywhere in the City. Mr. Beatty pointed out that he is agreeable as far as time of operations.

Councilman Brooks stated he received a call from a gentleman that is proposing to buy a house across the street, and if this proposal passed, he would not be interested in buying the house.

Mayor Jennette closed the public hearing.

Mrs. Moate commented that if the zoning passes, and if Mr. Beatty wishes to continue and apply for a special use permit, at that point in time, the Board of Adjustment can apply restrictions.

Mr. Holscher reiterated that the discussion tonight is whether a Laundromat is a proper special use in the O&I district in the City. If we say yes, when a permit is request, it can be approved, denied, or have a number of conditions on it.

Councilman Jennings stated he was not aware that it would be allowed in *every* O&I district.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously denied the request to amend Chapter 27, Zoning, Article VI, Section 27-43 by not allowing Laundromats as a Special Use in the office and Institution Zoning District based on the following findings of fact:

Background and Findings:

A request has been made by James Beatty, a local commercial business owner, to amend the Office and Institutional (O&I) zoning classification to allow for Laundromats to be permitted as a special use permit within this district. The Planning board reviewed the list of permitted uses in the Office and Institutional and concluded the Laundromat would be best served by placing conditions on each applicant, such as hours of operation, no alcoholic beverage on the premises, etc. the Chairperson opened the meeting for public consideration and no one came forward and voiced opposition to the request. The Planning Board voted unanimously to recommend the amendment to City Council for their consideration.

It can be brought up in six months, provided there is a substantial change in the original petition.

CONSIDER – ZONING CHANGE CONSISTING OF 5.3 ACRES OF PROPERTY LOCATED OFF CBH LODGE ROAD FROM RA-20 TO RMH, SUBMITTED BY R. WILLIAM TRAVIS ALLIGOOD

Mrs. Dot Moate stated that a petition was presented by Mr. William Travis Alligood to change 5.3 acres of land owned by the petitioner from a Residential-Agriculture (RA-20) to Residential Mobile Home (RMH) zoning classification. The subject property is located on the CBH Lodge Road inside the zoning jurisdiction of the

City of Washington. On the first submission to the Planning Board, the Planning staff requested that a special call meeting be held to consider the proposal. Subsequently, a meeting was held on March 20, 2006 to hear the petitioner and concerned citizens about the zoning change. Citizens for and against the request appear during the meeting and voiced their opinion on the petition. The Planning Board did not make a decision at the March 20, 2006 meeting. However on April 3, 2006 the Planning Board made a decision to deny the request based on the following findings of fact:

1. In the year 2002, upon recommendation of the Planning Board and approval by City Council, an amendment was made to remove mobile homes from the Residential Agricultural District, as a Special Use Permit. Local residents circulated a petition to make the change and since that change the Board of Adjustment has denied request to allow single wide and double wide mobile homes as a variance.
2. If the property was changed to a Residential Mobile Home District, even though the owner has stated the change would only be allowed for his son to place a single wide mobile home in close proximity to him, nothing would prevent the owner to develop a mobile home park on the parcel if the zoning change was granted.
3. No single wide mobile homes are located along this vicinity of the area under consideration, however double wide and modular units do exist.
4. A petition was presented to the Planning Board asking that consideration not be given to petition.
5. The Comprehensive Plan suggest that low density residential occur in this areas and by changing the classification to RMH allows for high density and the change could be considered as spot zoning.

Mayor Jennette opened the public hearing.

Mr. Richard Holsinger, 275 CBH Lodge Road, stated he polled his neighbors and they signed a petition against allowing mobile homes on this property for the reasons previously stated.

Mr. Leonard Huber, 417 CBH Lodge Road, was part of the petition drive. Out of the 65 property owners, 32 were against changing the zoning. There are many vacant homes, so there is not a 50-50 on the petition.

Mayor Jennette closed the public hearing.

Mr. Smith stated that if the zoning is approved, there needs to be Findings of Fact. If there is no change, you don't need to make any findings.

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously accepted the recommendation of the Planning Board and denied the rezoning petition submitted by Mr. Travis Alligood to change 5.3 acres of property located off CBH Lodge Road from RA-20 to RMH based on the following findings of fact: the zoning request is inconsistent with the adopted Land Use Plan and could be considered as "spot zoning."

Mr. Roberson stated that the way we have our rules and procedures set up is if it is denied, then you have to wait six months and has to be substantial changes. If you don't take action, then next month they can right back and be on every agenda.

Mayor Jennette asked Mr. Roberson to get some clarity on it for future reference. Councilman Jennings felt we owed them a firm answer since they had gone to so much trouble.

**CONSIDER – ZONING CHANGES CONSISTING OF .26 ACRES OF
PROPERTY LOCATED AT 514 TELFAIR STREET, FROM R6-S TO B-4**

Mrs. Dot Moate stated that Mr. Keith Hackney, attorney for the petitioner, came forward and represented Ms Debra Fox to change the property located at 514 Telfair Street from R-6S Residential to B-4, Neighbor Commercial. The Planning staff noted the recommended zoning classification; based on the Comprehensive Plan was Office and Institutional (O & I). After the discussion was held, Mr. Hackney agrees to change the request to O and I and the vote was unanimous to recommend the Proposal to City Council. No one came forward and spoke in opposition to the Office and Institutional change.

Councilman Brooks asked about the multifamily dwellings on the corner. Mr. Roberson stated that is zoned residential-multifamily because a change was made about three years ago to allow multi-family in the O&I. In 1996, multi-family was not included.

Mayor Jennette opened the public hearing.

Mr. Keith Hackney, representing Debra Fox, stated this property is in a transitional zone next to a shopping center and are requesting O&I reclassification.

Mr. Smith asked where intended access is? Mr. Hackney stated that it can have two accesses, and currently has a driveway permit on John Small. Mr. Smith stated that is not approved for commercial use. Mr. Hackney stated it also has access off Telfair Street. He stated that area is complicated because 6th Street was apparently closed by City Council at one time but was not recorded in the Register of Deeds.

Mr. Hackney stated there is an orphaned triangle piece there so there is a possibility of access on that side.

Mayor Jennette closed the public hearing.

Mr. Smith asked that the access be clarified. Mr. Roberson stated that portions of rights of ways that were abandoned many years ago were not recorded. It's actually an unknown piece of property and Mr. Hackney says the City owns the property. If that property belongs to the City and we can actually negotiate the parking lot and driveway, it would be a much better access.

On motion of Councilman Brooks, seconded by Mayor Pro tem Woolard, Council unanimously accepted the recommendation of the Planning board and rezone the property located at 514 Telfair Street, containing .26 of an acre, from R-6S to O&I (Office and Institutional).

Mr. Holscher recommended that the City assumes they own it after 6th Street was closed.

Mr. Smith suggested we get a Quick Claim Deed on the property.

COMMENTS FROM THE PUBLIC

There were none.

**ADOPT – STORMWATER MANAGEMENT ORDINANCE – CHAPTER
19-AS REQUIRED FOR COMPLIANCE OF THE TAR-PAMLICO
STORMWATER RULE (15A-NCAC 2B.0258)**

Mr. Smith stated that the State has set up a funding mechanism where after certain conditions are met, payment in a fund will be used to deal with pollution from these sources. What needed to be done was for the State to fund in advance a program to create public storm water management facilities that individuals could buy into. It will

be extremely difficult to create after the fact. The ordinance regulates property that was altered. Pollution control is a whole new area. It will be very complex, very costly and will have some real impacts on property rights.

Mr. Lewis stated that this was brought before Council in February 2004. Former Mayor/Manager Rumley and staff met with officials in Raleigh about some of the City's concerns and were told the State would work out the major issues, one being the buy-down option that is now covered in the ordinance. There should be enough money in this year's budget that was planned to pay a professional engineer to review the plans and permits.

Mr. Smith stated that the ordinance primarily puts the burden on the applicant and the applicant's engineer to design elements which will meet the conditions of the ordinance and State Statutes. There is some interest in finding some entity, the COG or Mideast to help municipalities. At the present time there are no fees that go with the permit from the City's side. Mr. Lewis stated there has been some discussion on cost sharing with the five other municipalities and six counties.

Mr. Adam Waters stated that the State is doing some feelers around the affected community to see if there is an interest. Each community would have to contribute a certain amount of dollars to fund the position with the Division of Water Quality to review the plans. Population size of 10,000 has nothing to do with whether you do it or not. Mr. Waters stated they look at density and models of the river where pollution and problem areas are, and being close to the estaurium is the reason we are included.

Mr. Lewis stated that he needs to add on the first page of the ordinance, "as well as extraterritorial jurisdiction."

On motion of Councilman Brooks, seconded by Mayor Pro tem Woolard, Council unanimously adopted Chapter 19, Storm Water Management Ordinance required for compliance to the Tar-Pamlico Storm Water Rule (25A NCAC2B.0258) effective April 11, 2006.

**AN ORDINANCE TO ADD NEW CHAPTER 19, STORMWATER
MANAGEMENT TO THE WASHINGTON CITY CODE**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

- Section 1. That a new Chapter 19, Stormwater Management, be adopted and added in Its entirety to the City of Washington's City Code Book of Ordinances.
- Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 3. This ordinance shall become effective April 11, 2006.

This, the 10th day of April, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

Councilman Gahagan gave credit to former Mayor Stewart Rumley for doing his research on this and leading a group of municipalities to negotiate with the State and

come up with some compromises. Councilman Jennings stated we need to stay on top of this with our legislative representatives.

**REQUEST – LETTER REQUESTING BURNING APPROVAL FOR
ADDITIONAL 90 DAYS (CHRIS FURLOUGH)**

Councilman Gahagan moved to approve extending the burning permit at the Somerset Subdivision for a 90 day period for Chris Furlough, effective after the last one ends. Councilman Brooks seconded the motion. Further discussion was held on giving approval for 45 days since he didn't have a lot left to burn, and Council voted and defeated the motion unanimously.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously agreed to approve the burning permit for a 45 day period for Chris Furlough.

**ADOPT – BUDGET ORDINANCE AMENDMENT FOR AIRPORT
GRANTS (\$365,629)**

Mr. Smith explained there are two grants, one for 15,000 lineal feet of fencing to protect the Airport from deer, and the other grant is to clear the instrument flight path from trees. FAA had put the grants on hold because of the lawsuit with Jerry Toms. There are other grants we have not heard from to do improvements to the runway, etc.

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously adopted a budget ordinance amendment in the amount of \$365,629 for grants in the Airport Fund.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the Airport Fund be increased in the amount \$125,524 in the account Grant #36237.38.3.1, account number 37-90-3490-0000.

Section 2. That the Estimated Revenues in the Airport Fund be increased in the amount of \$7,298 in the account Fund Balance Appropriated, account number 37-90-3991-9910.

Section 3. That account number 37-90-4530-4506, AIR 21 Grant, portion of the Airport Fund appropriations budget be increased in the amount of \$132,822 to provide funds for grant and local match.

Section 4. That the Estimated Revenues in the Airport Fund be increased in the amount \$209,526 in the account Grant #36244.51.5.2, account number 37-90-3490-0001.

Section 5. That the Estimated Revenues in the Airport Fund be increased in the amount of \$23,281 in the account Fund Balance Appropriated, account number 37-90-3991-9910.

Section 6. That account number 37-90-4530-4507, Obstruction Grant #36244.51.5.2 portion of the Airport Fund appropriations budget be increased in the amount of \$232,807 to provide funds for grant and local match.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of April, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

**ADOPT – ORDINANCE AMENDMENT CHAPTER 6, ARTICLE II,
SECTION 6-35 (B) AND CHAPTER 19, ARTICLE V, SECTION 18-157 (B)
OF THE CITY CODE**

Carol Williams, Finance Director, explained that bills are being delivered later since we went to third party billing using envelopes instead of postcards, with a company out of Charlotte. After the City transmits the information, the customer is not getting their bill until two or three days before the due date, and the City has had a lot of complaints. The due date reflected now is ten (10) days from the billing date. It is requested that the due date be changed to fifteen (15) days from the billing date.

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously adopted an ordinance amending Chapter 6, Article II, Section 6-35(b) of the City Code changing the due date from ten (10) days to fifteen (15) days.

**AN ORDINANCE TO AMEND CHAPTER 6, ELECTRIC OF THE CITY CODE
OF THE CITY OF WASHINGTON, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Washington, North Carolina:

Section 1. That, the following sentence in Chapter 6, Electric, Article II Section 6-35 Billing, Payments and Penalties, subsection (b) be deleted:

“ A bill shall reflect a due date of ten (10) days from the billing date shown on the bill”.

Section 2. That, the following sentence in Chapter 6, Electric, Article II, Section 6-35 Billing, Payment, Penalties, subsection (b) be added:

“ A bill shall reflect a due date of fifteen (15) days from the billing date shown on the bill”.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective May 1, 2006.

Adopted this the 10th day of April, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously adopted an ordinance amending Chapter 18, Article V, Section 18-157(b) of the City Code changing the due date from ten (10) days to fifteen (15) days.

AN ORDINANCE TO AMEND CHAPTER 18, WATER AND WASTEWATER OF THE CITY CODE OF THE CITY OF WASHINGTON, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Washington, North Carolina:

Section 1. That, the following sentence in Chapter 18, Water and Wastewater, Article V Section 18-157 Billing, Payments and Penalties, subsection (b) be deleted:

“ A bill shall reflect a due date of ten (10) days from the billing date shown on the bill”.

Section 2. That, the following sentence in Chapter 18, Water and Wastewater, Article V, Section 18-157 Billing, Payment, Penalties, subsection (b) be added:

“ A bill shall reflect a due date of fifteen (15) days from the billing date shown on the bill”.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective May 1, 2006.

Adopted this the 10th day of April, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

AWARD – AUDIT CONTRACT FOR FISCAL YEAR 2005-2006 TO MARTIN, STARNES AND ASSOCIATES, CPA, PA (\$35,300)

Ms. Williams stated that the City went out for bids for audit proposals. Three firms submitted bids, as follows:

Pittard, Perry & Crone, Inc.	\$32,000
Thompson, Price, Scott, Adams & Co., PA	\$34,000
Martin, Starnes & Associates, CPA's, PA	\$35,300

Proposals were reviewed and Martin Starnes & Associates are recommended because of their experience in auditing municipalities and counties. Our existing auditor did not submit a bid.

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously awarded the audit contract for fiscal year 2005-2006 to Martin, Starnes and Associates, CPA, PA located in Hickory, North Carolina at a cost of \$35,300.

ADOPT – ORDINANCE AMENDMENT ON RESTRICTIONS UPON FEEDING OF ANIMALS AND BIRDS IN SPECIFIC AREAS

Mr. Smith stated that the ordinance has been amended to reflect the City Attorney's recommendation that a violation be a civil penalty that will come to the City

and not to the courts. The ordinance is similar to what other waterfront communities have adopted. Mr. Smith explained the area restricted is south of Stewart Parkway from Gladden Street to Market Street. Residential property in that area would be excluded.

Mr. Smith stated that action can be continued until the next meeting if Council desires to have a public hearing, or a first vote on the ordinance can be taken tonight.

Mayor Jennette and Councilman Brooks expressed concern about the word “animals” be included. Mr. Smith said that animals were included in case you were feeding a dog and a bird ate it. Mayor Jennette also expressed concern about the feral cats that are fed down there and it was decided that would not be affected.

Mr. Mobley stated you are only talking about one confined area, that the birds can be feed past the Estaurium and at Havens Gardens.

Council mutually agreed to not hold a public hearing.

After discussion, on motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously adopted an ordinance to amend Chapter 11, Section 11-86 prohibiting feeding birds and animals on the Washington Waterfront, including the amendment recommended by the City Attorney on the civil penalty.

**AN ORDINANCE TO AMEND CHAPTER 11,
PARKS AND RECREATION OF THE
WASHINGTON CITY CODE**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1: That Sec. 11-86 – Unlawful acts to be amended to include the following:

- (i) Restrictions upon feeding of animals and birds in specified areas.
 - (A) No person shall do any of the following in the area bounded by Bridge Street, on the west, Market Street on the east, Stewart Parkway and Main Street on the North and the Federal channel of the Pamlico River on the South except within any privately owned residential property:
 - (1) Feed any bird or animal, or
 - (2) Disperse any food material or other matter edible by any bird or animal so as to make such material or matter available to other birds or animals for ingestion; or,
 - (B) No person shall leave any food or other matter edible by any bird or animal to remain on the ground after dispersing or dropping the same in or on the designated area.

Any person violating any of the provisions of this section shall pay a civil penalty in the amount set forth on the violation notice issued by the City of Washington. Said penalty shall be an amount not more than \$25.00. Each person shall receive a violation notice for each separate violation and any provision of this section. The civil penalty shall be paid in fourteen (14) calendar days from the issuance of the violation notice. If the citation is not paid within fourteen (14) calendar days, then in that event, said civil penalty may be collected by the City through magistrate’s court and the costs of magistrate’s court will be assessed to the person responsible for the civil penalty.

Section 2: All ordinances in conflict with this ordinance are hereby repealed.

Section 3: This Ordinance shall be effective April 10, 2006.

This 10th day of April, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

OTHER INFO FROM MAYOR JENNETTE

Beaufort County Mayors Association Meeting – April 20th at PCS (leave City Hall at 5:00 p.m.)

Budget Meeting Schedule - Councilman Gahagan will not attend on April 24th

Southern Albermarle Association – Luncheon Meeting at the Airport on April 17th with Talbert & Bright attending also.

HAMILTON BEACH BUILDING

Mr. Smith stated that a survey was done of Hamilton Beach Building. Lease expires in May, which has certain conditions for surrender of the building. There are numerous repairs that need to be made to the building, and they have been put on notice to make the repairs. The other letter is to Impressions who is occupying a portion of the building. The City has offered them a “rent to own” at \$.50 cents a square foot; at the end of ten years they would own the building. As an alternative, the City has offered \$1.00 a square foot, with up to \$.50 could be a credit for repairs they made to the building. Also, in regards to the environmental cleanup, Hamilton Beach believe their work is complete and have been reporting to the State and are now making a semi-annual report to the State which will have to be continued. That will have to be worked out.

LETTER TO DOT ON TRAFFIC SIGNALS

Mr. Smith has written a letter to the Department of Transportation which will be hand carried by Representative Arthur Williams to address the north/south traffic signals to allow more time to move through.

Mayor Jennette and Councilman Jennings suggested the City meet with DOT.

**ADJOURN – UNTIL APRIL 24TH AT 4:30 P.M. AT THE MUNICIPAL
BUILDING IN THE COUNCIL CHAMBERS**

On motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously adjourned the meeting until Monday, April 24, 2006 at 4:30 p.m. in the Council Chambers at the Municipal Building.

Rita A. Thompson, CMC
City Clerk